

<p style="text-align: center;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT FOR THE 2 NORTHERN DISTRICT OF MISSISSIPPI 3 OXFORD DIVISION</p> <p>4 JAMES LEE SONS, individually and 5 on behalf of the wrongful death 6 beneficiaries of JAMES ALLEN 7 PARKS SONS, deceased PLAINTIFFS 8 VS. NO. 3:16-CV-181-MPM-RP 9 BENTON COUNTY, MISSISSIPPI, ET AL DEFENDANTS</p> <p>10 ***** 11 VIDEOTAPED DEPOSITION OF A. A. "ARNIE" McMULLEN 12 *****</p> <p>13</p> <p>14 TAKEN AT THE INSTANCE OF THE PLAINTIFF 15 IN THE LAW OFFICES OF FARESE, FARESE & FARESE, P.A. 16 122 CHURCH STREET, ASHLAND, MISSISSIPPI 17 ON DECEMBER 7, 2016, BEGINNING AT 10:22 A.M.</p> <p>18</p> <p>19 APPEARANCES NOTED HEREIN</p> <p>20</p> <p>21 Reported by: REGINA D. RUSSELL, RPR, CCR 1110</p> <p>22</p> <hr/> <p>23 ADVANCED COURT REPORTING 24 P.O. BOX 761 25 TUPELO, MS 38802-0761 (662) 690-1500</p>	<p style="text-align: center;">Page 3</p> <p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 WITNESS PAGE 4 A. A. "ARNIE" McMULLEN 5 Examination by Mr. Stroud..... 4 6 Examination by Mr. Hill..... 69</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 1 Policies and Procedures for Jail 10 Facility..... 33</p> <p>11 2 Letter from Philip Stroud to A. A. 12 McMullen, dated 9-22-15..... 67</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 For the Plaintiffs: PHILIP A. STROUD, ESQUIRE 3 The Stroud Law Firm, P.C. 4 5779 Getwell Road, Suite C-1 5 Southaven, MS 38672 6 (662) 536-5656</p> <p>7 JAMES B. LEES, JR., ESQUIRE 8 Hunt & Lees 9 Post Office Box 2506 10 Charleston, WV 25329-2506 11 (304) 344-9651</p> <p>12 For the Defendants: S. RAY HILL, III, ESQUIRE 13 Clayton O'Donnell, PLLC 14 Post Office Drawer 676 15 Oxford, MS 38655 16 (662) 234-0900</p> <p>17 Also Present: JOE BATTIS, Corporate 18 Representative for Benton 19 County, MS</p> <p>20 ROB SAWYER, VIDEOGRAPHER</p>	<p style="text-align: center;">Page 4</p> <p>1 THE VIDEOGRAPHER: This is the video 2 deposition of Sheriff A. A. "Arnie" McMullen, taken 3 by the Plaintiff in the matter of James Allen Parks 4 Sons, deceased, versus Benton County, Mississippi, et 5 al, U.S. District Court for the Northern District of 6 Mississippi, Oxford Division, Docket 7 3:16-CV-181-MPM-RP. This deposition is being held at 8 Farese, Farese & Farese, 122 Church Street, Ashland, 9 Mississippi, on December 7th, 2016. I'm Rob Sawyer, 10 Law Media Productions. The court reporter is Regina 11 Russell of Advanced Court Reporting. We're on the 12 record at 10:24 a.m. Counsel, would you identify 13 yourself for the record, which will be followed by 14 the swearing in of the witness by the Court Reporter.</p> <p>15 MR. STROUD: Philip Stroud and James 16 Lees for the Plaintiff.</p> <p>17 MR. HILL: Ray Hill for the 18 Defendants.</p> <p>19 A. A. "ARNIE" McMULLEN, having been 20 duly sworn, testified as follows:</p> <p>21 EXAMINATION</p> <p>22 BY MR. STROUD:</p> <p>23 Q. Sheriff, my name is Philip Stroud. You and 24 I met before this deposition and talked briefly. 25 Where do you -- have you ever given a deposition</p>

<p style="text-align: center;">Page 5</p> <p>1 before?</p> <p>2 A. Yes.</p> <p>3 Q. How many times would you say?</p> <p>4 A. Just once.</p> <p>5 Q. Okay. And what was that about?</p> <p>6 A. It was on the same -- it was a hanging in 7 the jail.</p> <p>8 Q. Do you remember when that was?</p> <p>9 A. '89 or '90. I'm not sure.</p> <p>10 Q. Do you happen to remember the name of the 11 individual that brought a claim?</p> <p>12 A. Lonnie Cole.</p> <p>13 Q. Since it has been since 1989 or about since 14 you gave your deposition, I'll just tell you a few 15 things I'm sure your counsel has already been over 16 with you. But, obviously, I'll be asking you some 17 questions today and this lady here to my left will be 18 taking down everything that I ask as well as 19 everything you say in response. So it's going to be 20 important that we don't talk over one another. I'll 21 try and give you that courtesy if you'll do the same 22 for me.</p> <p>23 A. I will.</p> <p>24 Q. If you need to take a break at any time, 25 please let me know. This is not a marathon. But if</p>	<p style="text-align: center;">Page 7</p> <p>1 A. Unh-unh (Indicating no).</p> <p>2 Q. Okay. Is there a reason why you haven't?</p> <p>3 A. I've just never seen it.</p> <p>4 Q. Okay. Have you ever asked to see it?</p> <p>5 A. No.</p> <p>6 Q. Okay. What about audio from the dispatch, 7 did you listen to any of the audio recordings?</p> <p>8 A. No.</p> <p>9 Q. Okay. Is there a particular reason why as 10 the chief law enforcement officer for Benton County 11 who ultimately would be responsible for investigating 12 a suicide within your jail, why you wouldn't want to 13 actually see the video and investigate what happened?</p> <p>14 A. Well --</p> <p>15 MR. HILL: Object to the form.</p> <p>16 Assumes facts not in evidence. You can answer.</p> <p>17 A. When something like this happens I just 18 turn it over to MBI, the bureau of investigations.</p> <p>19 Q. (Mr. Stroud) Have you reviewed the MBI 20 investigation report?</p> <p>21 A. No.</p> <p>22 Q. So as we sit here today some year and two 23 or three months after the fact, after Mr. Sons died 24 in your jail, you don't have any idea where the 25 investigation is with MBI?</p>
<p style="text-align: center;">Page 6</p> <p>1 you do want to take a break, let's just get the last 2 question on the table answered before we do it.</p> <p>3 Okay?</p> <p>4 A. That will be fine.</p> <p>5 Q. What have you reviewed today in preparation 6 for your deposition?</p> <p>7 A. I just went over some of my policies and 8 all.</p> <p>9 Q. Okay. Anything else?</p> <p>10 A. No. That's all.</p> <p>11 Q. Now, when you say you've been over some of 12 your policies, are you referring to policies of the 13 Benton County Sheriff's Department?</p> <p>14 A. Yes.</p> <p>15 Q. Specifically, what policies did you spend 16 time reviewing?</p> <p>17 A. Just our medical and mental policies.</p> <p>18 Q. Medical and mental policies?</p> <p>19 A. Yeah.</p> <p>20 Q. Any others?</p> <p>21 A. No. That's all.</p> <p>22 Q. What about the video of Mr. Sons' hanging 23 that was recorded by the jail?</p> <p>24 A. I've not ever seen it.</p> <p>25 Q. Never seen it?</p>	<p style="text-align: center;">Page 8</p> <p>1 A. I've not talked to them. I've not looked 2 at his report or anything. No.</p> <p>3 Q. And you haven't conducted any personal or 4 independent investigation as the chief law 5 enforcement --</p> <p>6 A. No.</p> <p>7 Q. -- officer in Benton County?</p> <p>8 A. No, sir.</p> <p>9 Q. Have you asked any of your agents or 10 employees that are under you at the Benton County 11 Sheriff's Department to conduct any independent 12 investigation?</p> <p>13 A. Well, Chief Batts.</p> <p>14 Q. And that's at your direction?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Tell me what you told him to do as 17 far as investigating this.</p> <p>18 A. Well, I didn't necessarily tell him. He 19 knows to do it. What I mean, Joe does -- Joe does it 20 for me.</p> <p>21 Q. Okay. Has he ever told you anything he has 22 concluded as a result of his investigation?</p> <p>23 A. Well, we've talked about it just a little 24 bit, you know, as far as -- and then I've read his 25 report, you know.</p>

<p style="text-align: center;">Page 9</p> <p>1 Q. So Mr. Joe Batts, the chief deputy, 2 actually completed an investigation report? 3 A. Yeah. He just, you know, wrote up a report 4 and I went over it. 5 Q. Okay. 6 MR. STROUD: Has that been produced, 7 Ray? 8 MR. HILL: Yes. 9 MR. STROUD: Okay. Just his 10 statement? 11 MR. HILL: Yeah. That's what he's 12 talking about. It's called an incident report. 13 Q. (Mr. Stroud) Anything else you've done 14 other than ask -- you didn't even ask, you just 15 assumed Mr. Batts would conduct an investigation, 16 right? 17 A. Yeah. I knew he would. 18 Q. Okay. 19 A. I wasn't present. I wasn't there that 20 week. I was off that week when he -- 21 Q. In your review of what Mr. Batts concluded 22 in his investigative report, did you call for or make 23 any changes to either the personnel there at the 24 department or your policies relating to jail suicide? 25 A. All we done was change up some stuff in the</p>	<p style="text-align: center;">Page 11</p> <p>1 MR. HILL: You just have to -- if you 2 don't know you don't know. 3 A. I don't know just what date. 4 Q. Was that Mr. Thompson? 5 A. No. 6 Q. Who was that? 7 A. Oh, good gracious. I can't think of that 8 boy's name now. 9 Q. Was it a hanging? 10 A. Yes. 11 Q. What did that person use to hang themself? 12 A. He used a sheet and the bars in that 13 window. 14 Q. The bars in the window in the juvenile 15 cell -- 16 A. Yeah. 17 Q. -- that Mr. Parks was in? 18 A. Yeah. 19 Q. Is that why those bars have since been 20 covered up? 21 A. Yeah. 22 Q. All right. What about the one in 1989, was 23 that a hanging? 24 A. Yeah. 25 Q. And what did the person use in that case?</p>
<p style="text-align: center;">Page 10</p> <p>1 cell. As far as changing anything other, you know, 2 we done some changing in the cell there. 3 Q. Okay. Tell me what changes you made, if 4 any. 5 A. This top bunk that he used, we removed it. 6 Q. Who recommended that? 7 A. I did. 8 Q. Okay. Anything else that was done as a 9 result? 10 A. No, sir. Not as far as -- unh-unh 11 (Indicating no). 12 Q. How long have you been sheriff of Benton 13 County? 14 A. Twenty-three years. 15 Q. And in that 23-year period of time, how 16 many other suicides have occurred in your jail to 17 your memory? 18 A. We've had three. 19 Q. You told me about the one earlier in about 20 1989 or so that you gave a deposition for. Is that 21 one of those three? 22 A. Yeah. 23 Q. Okay. What are the others if you can 24 recall? 25 A. And then I had one in '01 or '02. Joe --</p>	<p style="text-align: center;">Page 12</p> <p>1 A. The same thing, the bars in the window. 2 Q. And a sheet? 3 A. Yeah. Uh-huh (Indicating yes). 4 Q. All right. You said there were three. 5 A. And I don't remember what year it was that 6 Mr. Thompson done that. I don't remember that year, 7 the date on it. 8 Q. Mr. Thompson hung himself as well? 9 A. Yes. 10 Q. And I understand he didn't hang himself in 11 that same cell? 12 A. No, he didn't hang himself. I'm not sure 13 there either. I wasn't there that day. But, now, he 14 didn't -- I don't think he hung himself in that 15 window either, because I think we had done plated 16 them when that happened. 17 Q. Plated it? What do you mean? 18 A. Put that -- welded the plates over the 19 window of the cells. 20 Q. Do you know what Mr. Thompson used to hang 21 himself? 22 A. I'm not sure on that. No. 23 Q. A bed sheet or a blanket? 24 A. I'm not sure. 25 Q. And then, of course, the one we're here to</p>

<p style="text-align: right;">Page 13</p> <p>1 talk about today; Mr. Sons?</p> <p>2 A. Uh-huh (Indicating yes).</p> <p>3 Q. And those are the only -- so that's</p> <p>4 actually four suicides?</p> <p>5 A. Yeah.</p> <p>6 Q. Are those the only ones you can remember?</p> <p>7 A. That's all we've had.</p> <p>8 Q. Okay. What about attempted suicides in the</p> <p>9 jail?</p> <p>10 A. I want to think there was one but I'm not</p> <p>11 sure on it.</p> <p>12 Q. Was it an attempted hanging?</p> <p>13 A. I'm not sure. I'm thinking that it was --</p> <p>14 we had a Dowdy, of course, he was just one of those</p> <p>15 that would do anything for attention. I don't think</p> <p>16 he intended to do anything, but I think he tried it.</p> <p>17 Q. And to the best of your recollection, was</p> <p>18 it prevented by jail staff?</p> <p>19 A. Yeah, the jailers, uh-huh (Indicating yes).</p> <p>20 Q. And how did they prevent it?</p> <p>21 A. I think he seen him and seen what he was</p> <p>22 doing and got him.</p> <p>23 Q. Seen him on video?</p> <p>24 A. I think so, yeah.</p> <p>25 Q. Do you remember who that was? Was it</p>	<p style="text-align: right;">Page 15</p> <p>1 A. No. We don't have to. We update it some.</p> <p>2 We go to the sheriff's association, to the meetings,</p> <p>3 and it updates us some on all of it.</p> <p>4 Q. Were you the -- were you the one</p> <p>5 responsible for creating and implementing the</p> <p>6 policies and procedures that are being used today?</p> <p>7 A. Yes, sir.</p> <p>8 Q. That's your baby?</p> <p>9 A. Uh-huh (Indicating yes). Yeah. When I</p> <p>10 came here we didn't have any.</p> <p>11 Q. Do you remember when you, after you -- how</p> <p>12 long after you came, initially came that you actually</p> <p>13 undertook to implement policies and procedures?</p> <p>14 A. I came in office in January of 1988 and</p> <p>15 immediately afterwards we started, you know, putting</p> <p>16 it together.</p> <p>17 Q. When did you complete the what we now have</p> <p>18 as the policies and procedures of the jail?</p> <p>19 A. You know, we done it, we completed it in</p> <p>20 '88. But I'm sure we've, you know, we've updated it</p> <p>21 as we went along. But I don't remember the dates of</p> <p>22 anything on any of that.</p> <p>23 Q. Okay. When is the last time you recall</p> <p>24 making any official changes to the policies and</p> <p>25 procedures?</p>
<p style="text-align: right;">Page 14</p> <p>1 Mr. Stanton?</p> <p>2 A. I'm not sure on what jailer was on that</p> <p>3 day.</p> <p>4 Q. Okay. Other than Mr. Dowdy, to the best of</p> <p>5 your recollection do you remember any other attempted</p> <p>6 suicides in your jail?</p> <p>7 A. No.</p> <p>8 Q. Okay. Are you saying that they didn't</p> <p>9 happen or you just don't recall any?</p> <p>10 A. We've not had any other than --</p> <p>11 Q. Okay. Prior to becoming sheriff 23 years</p> <p>12 ago, did you have any prior law enforcement training?</p> <p>13 A. No.</p> <p>14 Q. What made you decide you wanted to be</p> <p>15 sheriff?</p> <p>16 A. Just from the way things were going and I</p> <p>17 just felt like I could maybe help some.</p> <p>18 Q. Did you attend yourself the academy? Did</p> <p>19 you go down to --</p> <p>20 A. The county did. I went to the sheriff's</p> <p>21 academy after I was elected.</p> <p>22 Q. Since that time, have you -- educate me a</p> <p>23 little bit. Do sheriffs have to undergo continuing</p> <p>24 education as it relates to being certified or keeping</p> <p>25 a certification?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. It was right after Deputy Batts come in</p> <p>2 with me, I think. I don't know how many years ago</p> <p>3 that has been. But Joe and I, you know, updated it</p> <p>4 some then.</p> <p>5 Q. Did you update at all anything related to</p> <p>6 suicide prevention or suicide topics?</p> <p>7 A. I'm not sure what all we updated on it.</p> <p>8 And I don't remember updating that, but I'm not</p> <p>9 saying we didn't, but I don't -- I think that's</p> <p>10 pretty well what we've had in place, you know. But</p> <p>11 I'm not sure.</p> <p>12 Q. Okay. Approximately how long has Joe Batts</p> <p>13 been with you? He can't answer. If you know, you</p> <p>14 know.</p> <p>15 A. When you're as old as I am, time gets away</p> <p>16 so fast. I don't know. Say eight years ago? Ten</p> <p>17 years? I'm not sure. He has been with me for</p> <p>18 several years.</p> <p>19 Q. So is it a fair statement to say it has</p> <p>20 been at least eight or ten years since any changes</p> <p>21 were made to policies?</p> <p>22 A. I would say so, yes.</p> <p>23 Q. Okay. And as we sit here today you can't</p> <p>24 even recall what those changes were?</p> <p>25 A. No. You know, we just kind of changed it</p>

<p style="text-align: right;">Page 17</p> <p>1 up some as we went along on it. 2 Q. Who is responsible for providing training 3 to your jail employees? 4 A. Well, all of my jailers have been certified 5 jailers that went to the school for jailers. 6 Q. As of September 2015 when this incident 7 happened, who were the jailers that were employed by 8 Benton County? 9 A. Who were they? 10 Q. Uh-huh (Indicating yes). How many do you 11 have? 12 A. We've got -- we've got three full-time and 13 then I think we've got two part-time. 14 Q. Is that the same way it was back in 15 September of '15? 16 A. Yes. Uh-huh (Indicating yes). 17 Q. And the three full-time, you obviously have 18 Mr. Batts, you have Johnny Stanton and is it Willie 19 Brown? 20 A. No, we got John -- Mr. Batts is not a 21 jailer. I've got Johnny Stanton and Willie Brown and 22 Daniel -- what's Daniel's last name, Joe? I don't 23 even -- 24 MR. HILL: Just the best you remember. 25 Q. (Mr. Stroud) If you don't remember. Just</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. And as far as the hours that the jailers -- 2 you have three full-time and two part-time. How does 3 that work? Do they work on shifts or what? 4 A. Yeah. A jailer will come in at 6:00 in the 5 morning and he'll work until 2:00. Then another one 6 will come in at 2:00 and work till 10:00, and then 7 from 10:00 till 6:00. 8 Q. So at any given time there's at least one 9 jailer there with one dispatch person? 10 A. Yeah. Uh-huh (Indicating yes). 11 Q. And I guess dispatch is 24 hours a day, 12 right? 13 A. Dispatch is 24 hours. 14 Q. Because the dispatch office there at the 15 Benton County jail is also the 911 operator? 16 A. Yeah. 17 Q. Right? 18 A. Uh-huh (Indicating yes). 19 Q. Is that a yes? 20 A. Yes. I'm sorry. 21 Q. That's okay. And so is it also true that 22 given the fact that that desk there in the jail is a 23 911 call center, that somebody has to be at that desk 24 at all times? 25 A. Yes.</p>
<p style="text-align: right;">Page 18</p> <p>1 somebody named Daniel? 2 A. Yeah. Just Daniel. I don't remember what 3 Daniel's last name is. 4 Q. Full-time jailer. What about part-time 5 jailers, who are they? 6 A. I've got Leon Crawford and James Couch. 7 Q. And it's your testimony that all of these 8 individuals have been through the state certification 9 for jailers? 10 A. Yeah. 11 Q. Okay. Other than the state certification, 12 which is required by the State of Mississippi, do any 13 of -- have any of them had additional training as it 14 relates to jail operation? 15 A. No, not that I know of. 16 Q. That's not something you require as the 17 sheriff? 18 A. No. 19 Q. How many does the jail hold there in Benton 20 County? If you're at full capacity, how many inmates 21 or detainees can you hold? 22 A. Twenty-six. I believe it's 26. 23 Q. Twenty-six beds? And that was the same way 24 back in September of 2015? 25 A. Yeah.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. So I assume, correct me if I'm wrong, that 2 if your dispatcher or the 911 operator has to use the 3 restroom, then there's someone else at the jail that 4 can fill his or her spot while they're out? 5 A. No. I just have one dispatcher. If they 6 have to use the restroom, you know what I mean, I 7 don't have another dispatcher that can sit down 8 there. 9 Q. Okay. 10 A. You know. 11 Q. What if the person needs to take a lunch 12 break or needs to run to the store to pick up 13 something? 14 A. They don't do that. They don't leave the 15 dispatch office. I mean, the restroom is right 16 beside the office. And they don't leave that office, 17 my dispatchers don't. 18 Q. On a typical day where you have, you know, 19 I think the day that this happened with Mr. Sons 20 there was about 13 inmates or detainees in the jail. 21 Is that your recollection? 22 A. I'm not sure. No, sir. 23 Q. On an average day though you at least have 24 a dispatcher there, correct? 25 A. Yeah.</p>

<p style="text-align: right;">Page 21</p> <p>1 Q. And is it a she?</p> <p>2 A. Yes.</p> <p>3 Q. What's her name?</p> <p>4 A. Well, at the time this happened?</p> <p>5 Q. Yes.</p> <p>6 A. Was Missy Campbell.</p> <p>7 Q. Okay. And where is Ms. Campbell now?</p> <p>8 A. Ms. Campbell passed away in July.</p> <p>9 Q. Was she sick?</p> <p>10 A. Left work one afternoon at 5 o'clock or at 6 o'clock and they called me at 2 o'clock in the morning, they found her dead, her daughter did.</p> <p>11 Q. Was it suicide?</p> <p>12 A. No. She just -- I don't know if she had a heart attack or what. They didn't -- she was in the floor at home when --</p> <p>13 Q. So Ms. Campbell was the dispatcher at the time Mr. Sons was in your jail, correct?</p> <p>14 A. Yes. That's correct.</p> <p>15 Q. So it would have been at least her there, right?</p> <p>16 A. Yes.</p> <p>17 Q. Her job responsibility was to stay at that desk and do what?</p> <p>18 A. And to dispatch, you know.</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. And the other area where I think Mr. Stanton was sitting today when I went in there, what would you call that room?</p> <p>2 A. That's the jailer's office.</p> <p>3 Q. Okay. I also noticed there was a, looks like a big screen there for video as well?</p> <p>4 A. Yes.</p> <p>5 Q. Where live feed video surveillance from the jail comes there, correct?</p> <p>6 A. Uh-huh (Indicating yes).</p> <p>7 Q. And is that where the jailer is expected to stay?</p> <p>8 A. That jailer is there unless he's booking somebody in or something, that's his -- that's where he stays.</p> <p>9 Q. Okay. I said earlier, and I drew an objection for it, I don't know if that was the reason, but I said that you were the chief law enforcement officer for the county. Is that a true statement?</p> <p>10 A. Yes.</p> <p>11 Q. And you're head over the sheriff's department, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Head over the jail?</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. Answer phones?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Was she the primary contact when the phone rang at the Benton County Sheriff's Department?</p> <p>4 A. Yes.</p> <p>5 Q. In my -- in our observation at the jail a little while ago I noticed that there was a big video monitor there at her desk as well; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Is that a live feed from the surveillance around the jail?</p> <p>8 A. Yes.</p> <p>9 Q. Was part of her job responsibility, in addition to dispatch and 911 and answering phones, etcetera, was it to monitor the video?</p> <p>10 A. Yes, to a certain extent. What I mean, they understand that if that 911 line or that phone rings they have to -- you know, that's their job is to take care of that. And we put the monitor there where, you know, where we could monitor, where they could, you know, if something -- you know, just to watch it, you know, as much as they possibly could. But, now, when that 911 phone or our phone rings then they have to -- you know, that's their job and dispatching my deputies.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Yes.</p> <p>2 Q. And you're head over all the employees of the department in the jail, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And I think you told me earlier that you're head over or responsible for all policies and procedures that are utilized in the department and in the jail?</p> <p>5 A. Yes.</p> <p>6 Q. You're in charge of any training as it relates to deputies; is that right?</p> <p>7 A. Well, all my deputies are certified through the training academy.</p> <p>8 Q. If any of your deputies you feel need additional training in certain areas it's your responsibility to see that they get it?</p> <p>9 A. Yes.</p> <p>10 Q. As well as training for your sheriff's department staff, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Was Mr. Batts, for no better way of saying it, your eyes and ears in the jail?</p> <p>13 A. Excuse me?</p> <p>14 Q. Was Mr. Batts back in September of '15 your eyes and ears in the jail?</p>

<p style="text-align: right;">Page 25</p> <p>1 A. Yes, sir. What I mean, Mr. Batts, if I'm 2 not there then he's the one that takes over. 3 Q. What hours were you typically working or do 4 you typically work at the jail? 5 A. Neither one of us have any set hours. 6 We're in and out of that jail at all hours. 7 Q. On an average day though when not much is 8 going on, do you and Mr. Batts kind of camp out at 9 the jail? 10 A. Well, we're around there, you know, doing 11 paperwork, first one thing and another and, you know, 12 just keeping things on track. But we're there pretty 13 much but not -- you can't stay around the jail. 14 Q. Why is that? 15 A. Some of these people, when they want \$10 or 16 they want to do this or somebody is wanting this and 17 wanting that and they see your vehicle there, then 18 it's hard to -- you know, folks -- in a rural county 19 like this, everyone knows everybody, they're always 20 wanting this and wanting that, you know. So we 21 don't -- we don't stay around the jail much. You 22 know, unless we -- we're around there a lot but not a 23 whole lot. We don't sit there seven or eight hours a 24 day. 25 Q. Do you believe, Sheriff, that it's</p>	<p style="text-align: right;">Page 27</p> <p>1 Department to have up-to-date training and 2 comprehensive policies and procedures at their 3 disposal to provide for the safety of the inmates 4 there? 5 MR. HILL: Object to the form of the 6 question. You can answer. 7 A. I feel that if, you know, if I feel they 8 need it or if they feel they need it and tell me, you 9 know, then we'll do that. 10 Q. (Mr. Stroud) I mean, the question was 11 though, do you believe that it's essential for them 12 to have up-to-date training? 13 A. Yes. 14 Q. And do you believe that it's essential for 15 them to have comprehensive policies at their disposal 16 to make sure that inmates are safe? 17 A. Yes. 18 Q. Do you believe it's important as the chief 19 law enforcement officer for the county for you to 20 always be monitoring the effectiveness of the 21 department's policies? 22 A. Yes. 23 Q. Do you do that? 24 A. Yes, we pretty well do. 25 Q. Do you believe it's important when you find</p>
<p style="text-align: right;">Page 26</p> <p>1 essential for your jailers and your staff at the 2 Benton County jail to be well trained? 3 A. Yes, I do. 4 Q. And you mentioned state certification. 5 Were you referring to the jailer officer standard 6 training offered -- 7 A. Yes. 8 Q. -- through Mississippi Department of Public 9 Safety? 10 A. Yes. Whatever the training that's required 11 for them. 12 Q. Okay. You believe, Sheriff, that it's 13 essential that the jailers that work for you at the 14 Benton County Sheriff's Department and the staff 15 there have all the tools necessary to them to do 16 their job? 17 A. Yes. 18 Q. Do you believe that the jailers and staff 19 at the Benton County Sheriff's Department, that it's 20 essential for them to have the tools necessary to 21 provide for the safety and well-being of those who 22 are being housed there? 23 A. Do I believe it? Yes. 24 Q. Do you believe that it's important for 25 jailers and the staff at the Benton County Sheriff's</p>	<p style="text-align: right;">Page 28</p> <p>1 that policies aren't effective and they're not 2 working that you make changes to outdated or 3 ineffective policies? 4 A. Yes. 5 Q. Do you believe that as of September 19, 6 2015, that Benton County Sheriff's Department jail 7 policies and procedures were adequate to ensure the 8 safety of the detainees in your jail? 9 A. Yes. 10 Q. Would you say that you're the most 11 knowledgeable person within the Benton County 12 Sheriff's Department to discuss policies and 13 procedures within the jail? 14 A. All right. Say that one more time. 15 Q. Sure. Would you be the most knowledgeable 16 person, since you created and implemented the 17 policies, to discuss the policies and procedures 18 within the jail? 19 A. Well, I wouldn't say I'd be the most 20 knowledgeable, no. I mean, chief deputy and myself, 21 we discuss it, you know. We would discuss it and 22 then if we feel it needs updated or something then 23 we -- 24 Q. Your attorney provided me with a copy of 25 some policies and procedures. I'm going to ask you,</p>

<p style="text-align: center;">Page 29</p> <p>1 if you would, to look through this and tell me if 2 this is what you were referring to that you 3 implemented at Benton County Sheriff's Department? 4 A. Yeah. I'm sure this is it. (Witness 5 reviews document.) Yes. This is going to be it. 6 Q. Okay. It looks like several of these -- 7 well, really each page may end up having a different 8 font or a different size font. Do you notice that? 9 A. A different what now? 10 Q. Different -- it looks like they were typed 11 at different times or that they were gathered from 12 different sources. Does that make sense? 13 A. Yes. It could possibly be. 14 Q. When you were creating or implementing 15 these policies, did you just find policies you liked 16 from other places and copy them and kind of put them 17 in there? 18 A. I started this -- when I come in here I was 19 a truck driver. And I walked in here and I checked 20 around and my policies started from DeSoto County's. 21 Q. Okay. 22 A. And that's where I started my policies and 23 procedures from DeSoto County's deal. 24 Q. So you contacted then Sheriff Riley, I 25 assume?</p>	<p style="text-align: center;">Page 31</p> <p>1 Q. And the next sentence? 2 A. "To protect the physical and mental health 3 of all inmates and the staff of the Benton County 4 Sheriff's Department." 5 Q. Do you see where it says to protect the 6 physician, not physical? It actually says the word 7 physician? 8 A. Yeah, it's physician. 9 Q. That's a typo obviously? 10 A. Yeah. 11 Q. Would that typo have been the same in 12 DeSoto County's policy? 13 A. I don't know now. That's what I say. 14 We've updated it along. I don't know if that would 15 be the same or not. 16 Q. And you see where it says, where it says 17 Benton County Sheriff's Department. That appears to 18 be in a different -- 19 A. Yeah. 20 Q. Like it was typed in there. Do you see 21 that? 22 A. Yeah. 23 Q. Do you recall taking that and maybe whiting 24 out DeSoto County and putting Benton County? 25 A. That has been twenty-something years ago.</p>
<p style="text-align: center;">Page 30</p> <p>1 A. Yeah, Sheriff Riley. 2 Q. Okay. And he was willing to provide you 3 with a copy of theirs? 4 A. Yeah. And that's how this all got started. 5 And then since I've, you know, just updated it along. 6 But that's where it got -- that's where I started it 7 from. 8 Q. Okay. Let me see this real quick. So if I 9 were to check DeSoto County's policies from 23 years 10 ago and compare it with what I'm looking at here 11 today -- 12 A. It should be pretty much the same. 13 Q. Okay. 14 A. That's how I started these policies. 15 Q. Okay. I'll show you -- you said you 16 reviewed this portion of the policy in preparation 17 for your deposition, correct? 18 A. Uh-huh (Indicating yes). 19 Q. That deals with the subject of suicide and 20 attempted suicide? 21 A. Uh-huh (Indicating yes). 22 Q. And you see how the first sentence here 23 says, the policy -- read that for me, if you would. 24 A. "To make every effort possible to prevent 25 suicide or attempted suicide."</p>	<p style="text-align: center;">Page 32</p> <p>1 I don't know. 2 Q. That's what it looks like though, doesn't 3 it? 4 A. But, you know, I don't know. I don't know 5 on that. 6 Q. That's what appears to have happened 7 though, right? 8 A. Yeah. Uh-huh (Indicating yes). 9 Q. The same thing goes for the next page, Page 10 2, where it says, "A complete written report shall be 11 submitted to the jailer on duty as soon as possible 12 to the," and it looks like somebody filled in the 13 sheriff or chief deputy. 14 A. Sheriff or chief deputy. Uh-huh 15 (Indicating yes). 16 Q. That would have been something I guess you 17 or somebody in your office would have typed in there? 18 A. I'm sure. I'm sure it would have been, 19 yeah. 20 Q. Are these policies and procedures on a 21 computer where you can edit them or are they just -- 22 there's a copy in a file somewhere where you made 23 copies to give to employees? 24 A. Yeah. I just made copies and give to 25 the -- now, as far as I know, I'm not a computer man</p>

<p style="text-align: center;">Page 33</p> <p>1 so as far as I know it's not, unless Deputy Batts may 2 have it on one.</p> <p>3 Q. Sure. So the changes you would have made 4 over the past 23 years we could pretty well go in and 5 see just because it would be a different font, right?</p> <p>6 A. Possible, yeah.</p> <p>7 Q. Because you don't have the access to go 8 into a computer and actually back up and retype, 9 right?</p> <p>10 A. Not that I'm familiar with.</p> <p>11 MR. STROUD: Okay. Let's mark this as 12 Exhibit 1 to your deposition.</p> <p>13 (Exhibit No. 1 -- Policy and 14 Procedures for Jail Facility -- marked and may be 15 found attached to the transcript.)</p> <p>16 Q. (Mr. Stroud) We've talked about this 17 already, Sheriff, but what I've marked as Exhibit 1, 18 these are all the written policies and procedures 19 that govern the operation of the jail, right?</p> <p>20 A. Uh-huh (Indicating yes).</p> <p>21 Q. There aren't some someplace else that we 22 just haven't seen?</p> <p>23 A. No.</p> <p>24 MR. HILL: Can I compare the exhibit 25 to what we have?</p>	<p style="text-align: center;">Page 35</p> <p>1 Q. As far as you know though, nobody sits down 2 and goes through them with each new hire, they're 3 just expected to read it, right?</p> <p>4 A. Yeah. We just --</p> <p>5 Q. I didn't -- I looked through the policies. 6 I didn't see anything in your policies as it relates 7 to preservation of evidence. Do you know what I mean 8 by that? Does the jail have a policy whereby if 9 something bad happens, someone commits suicide, 10 someone dies, something bad happens in the jail, that 11 the jail preserves evidence related to that incident?</p> <p>12 A. All right. Now, you're running off and 13 leaving me a little bit. The evidence --</p> <p>14 Q. Sure. Do you have any policies that you 15 require of your jailers or the Benton County 16 Sheriff's Department that says, hey, evidence has got 17 to be preserved and this is how it has to be 18 preserved?</p> <p>19 MR. HILL: Do you mean written 20 policies?</p> <p>21 Q. (Mr. Stroud) Yes. Written policies.</p> <p>22 A. I don't guess. Because on that, it's like 23 I said awhile ago, we turned it over to MBI. You 24 know, we don't bother any of it. They take it all.</p> <p>25 Q. For example, the video surveillance in the</p>
<p style="text-align: center;">Page 34</p> <p>1 MR. STROUD: Sure.</p> <p>2 Q. (Mr. Stroud) Now, is it your 3 responsibility to see that the policies and 4 procedures that we've marked as Exhibit 1 are 5 followed in your jail?</p> <p>6 A. Yes.</p> <p>7 Q. And how are employees when they're first 8 hired trained on these policies and procedures, apart 9 from giving them a copy?</p> <p>10 A. Yeah. Each one has got a copy of it. You 11 know, we give each employee a copy of it. And as far 12 as trained --</p> <p>13 Q. They're supposed to be able to read?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay. It's a learn on the job kind of 16 thing, right?</p> <p>17 A. Yeah.</p> <p>18 Q. So when a new employee comes in, as far as 19 training on policies and procedures, they're given a 20 copy of it and then they're just expected to read it?</p> <p>21 A. We give them a copy, but also the other 22 jailers, you know, as they come in, if I hire a new 23 employees then another jailer works with him until, 24 you know, until -- he stays with him until he's able 25 to do it by himself.</p>	<p style="text-align: center;">Page 36</p> <p>1 jail, when we were there today I think I counted at 2 least four or five video cameras in that jail; is 3 that right?</p> <p>4 A. Uh-huh (Indicating yes). Yeah, there are 5 several in it.</p> <p>6 Q. Do you have a policy, a written policy that 7 says if something happens in the jail, like a 8 suicide, that your jailers are to preserve all the 9 video evidence related to that inmate?</p> <p>10 A. Well, we automatically do that.</p> <p>11 Q. Okay. And what -- do you have a policy, a 12 written policy though that says they're to do that?</p> <p>13 A. I don't know on that now, because we 14 haven't had the cameras all that long. I'm not sure 15 if we have that or not.</p> <p>16 Q. As sheriff do you have an unwritten policy 17 that you tell your jailers, hey, if something like 18 this happens I want you to do X? What do you tell 19 them to do?</p> <p>20 A. Yeah, they know.</p> <p>21 MR. HILL: Object to the form of the 22 question. You can answer.</p> <p>23 A. You know, they won't get rid of anything. 24 No, sir.</p> <p>25 Q. (Mr. Stroud) How long does the video</p>

<p style="text-align: right;">Page 37</p> <p>1 surveillance record to the hard drive?</p> <p>2 A. I'd have to check. I'm not sure just how</p> <p>3 long it goes before -- Chief Batts could tell you</p> <p>4 that. I'm not sure.</p> <p>5 Q. Are you aware whether it's taped over if</p> <p>6 you don't preserve it or whether it just stays out</p> <p>7 there?</p> <p>8 A. I'm not sure on it. It stays for quite a</p> <p>9 while but I'm not sure how that works.</p> <p>10 Q. Do you, the sheriff, know what video was</p> <p>11 preserved in this case and what video was not</p> <p>12 preserved?</p> <p>13 A. That's what I say. We turned it all over</p> <p>14 to MBI and they, you know, they took it.</p> <p>15 Q. With all due respect, Sheriff, though the</p> <p>16 MBI didn't come in and download video from your</p> <p>17 server. Somebody in your jail actually provided them</p> <p>18 with a CD, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So do you know as we sit here today</p> <p>21 what evidence was preserved and what wasn't</p> <p>22 preserved?</p> <p>23 A. No.</p> <p>24 Q. Could you see how it would be important for</p> <p>25 an investigation to preserve all video?</p>	<p style="text-align: right;">Page 39</p> <p>1 to me. I mean, I'm not -- it would just be --</p> <p>2 MR. HILL: Philip, I don't mean to</p> <p>3 interrupt, but Exhibit 1 appears to be -- have</p> <p>4 several differences between what I've produced.</p> <p>5 MR. STROUD: Okay.</p> <p>6 MR. HILL: I would suggest that we</p> <p>7 simply use what I produced to you.</p> <p>8 MR. STROUD: That's fine.</p> <p>9 MR. HILL: I think I have a full set.</p> <p>10 MR. STROUD: I think what I did was I</p> <p>11 removed the jail policies from the sheriff's</p> <p>12 department policies.</p> <p>13 MR. HILL: Okay.</p> <p>14 MR. STROUD: So if you want to include</p> <p>15 the entire thing and substitute it, that's fine, as</p> <p>16 long as he identifies it.</p> <p>17 MR. HILL: Okay. Let's do that now</p> <p>18 before we forget. Regina, if you'll just give me</p> <p>19 another one. This is what I produced to the other</p> <p>20 side. So he wants you to identify it.</p> <p>21 MR. STROUD: Make sure it's accurate</p> <p>22 and complete.</p> <p>23 THE WITNESS: (Witness examines</p> <p>24 documents.) This appears to be it. I think it's</p> <p>25 going to be it. That's going to be it.</p>
<p style="text-align: right;">Page 38</p> <p>1 A. Oh, yeah.</p> <p>2 Q. Not just the video of someone hanging? The</p> <p>3 video of the hallway, for instance, outside to see</p> <p>4 whether he was being checked on, would that be</p> <p>5 important to you as sheriff to know what was going on</p> <p>6 before he died?</p> <p>7 A. All right. Now, you're leaving me again</p> <p>8 now.</p> <p>9 Q. Sure. Would it be important to you as</p> <p>10 chief law enforcement officer for the county for</p> <p>11 purposes of investigating a suicide in your jail to</p> <p>12 preserve all video in the jail --</p> <p>13 A. Yeah, it would.</p> <p>14 Q. -- not just within the cell?</p> <p>15 A. Yeah, it would.</p> <p>16 Q. Okay. Why?</p> <p>17 A. Why?</p> <p>18 Q. Uh-huh (Indicating yes).</p> <p>19 A. Where I could watch what goes on outside</p> <p>20 the jail as well as inside the cell.</p> <p>21 Q. Right. Is that important to you?</p> <p>22 A. At a time like this it would be, yeah.</p> <p>23 Q. Tell me why it would be important to you.</p> <p>24 A. Well, it just would. You know, it would</p> <p>25 just be important to see what was going on around it</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. (Mr. Stroud) Okay. You've identified what</p> <p>2 we've now marked as Exhibit 1 to your -- remarked as</p> <p>3 Exhibit 1 to your deposition to be a complete copy of</p> <p>4 the policies and procedures, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. All right. Let me switch your</p> <p>7 attention, if we could, to the case we're here today</p> <p>8 to discuss; Mr. Sons. As I understand it, Sheriff,</p> <p>9 there was a live video -- there was a video camera in</p> <p>10 the corner of Mr. Sons' detention cell, correct?</p> <p>11 A. Uh-huh (Indicating yes).</p> <p>12 Q. You have to answer.</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And that camera provided a live</p> <p>15 video feed to not only the dispatcher's desk where</p> <p>16 she has a large screen TV there, correct?</p> <p>17 A. Yes.</p> <p>18 Q. But it also provides the same live video</p> <p>19 feed to the jailer's desk where he also has a similar</p> <p>20 large screen TV, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Now, given the length of time it took for</p> <p>23 Mr. Sons to tear his bed sheet, create a rope, tie it</p> <p>24 through the top hole of his bunk, wrap it around his</p> <p>25 neck and commence to hang himself, why did no one</p>

<p style="text-align: right;">Page 41</p> <p>1 intervene?</p> <p>2 A. I don't know. I don't know what -- that's</p> <p>3 what I say. I wasn't there and I've not seen the</p> <p>4 video on it.</p> <p>5 Q. What investigation, if any, did you</p> <p>6 personally do to determine who dropped the ball?</p> <p>7 MR. HILL: Object to the form. Asked</p> <p>8 and answered. You can answer again.</p> <p>9 A. Well, I don't know who dropped it. You</p> <p>10 know, I don't know. But I'm not -- I don't know.</p> <p>11 Q. (Mr. Stroud) Can we agree that somebody</p> <p>12 within the sheriff's department screwed up?</p> <p>13 MR. HILL: Object to the form.</p> <p>14 A. Well, I wouldn't say they screwed up, no.</p> <p>15 I wouldn't say that.</p> <p>16 Q. (Mr. Stroud) Why?</p> <p>17 A. Well, you know, I don't have a -- I can't</p> <p>18 afford to hire a man to sit there and watch that</p> <p>19 screen, you know, 24 hours a day. I don't have that.</p> <p>20 I've got jailers that has to do their jailing job.</p> <p>21 I've got dispatchers that have to do their</p> <p>22 dispatching job. And I just don't have it, you know.</p> <p>23 And I'm not going to say who it was. The jailers,</p> <p>24 that all happened around lunchtime, the jailers are</p> <p>25 responsible for feeding those inmates at lunchtime.</p>	<p style="text-align: right;">Page 43</p> <p>1 A. Yes.</p> <p>2 Q. It was recording?</p> <p>3 A. Yes.</p> <p>4 Q. That it was available to be viewed if</p> <p>5 someone chose to view it from either the dispatcher's</p> <p>6 chair or from the jailer's chair?</p> <p>7 A. They could see the monitor, they could see</p> <p>8 it, yes.</p> <p>9 Q. Video quality was fine, wasn't it?</p> <p>10 A. Yes.</p> <p>11 Q. So there was nothing prohibiting either the</p> <p>12 dispatcher or the jailer on duty, Mr. Stanton, if</p> <p>13 they had been at the observation chair to actually</p> <p>14 see Mr. Sons attempting to hang himself if they had</p> <p>15 just looked, right?</p> <p>16 A. I don't know how to -- they could see he</p> <p>17 was doing something. But Mr. Sons, he tied that</p> <p>18 around his neck and sat down. You know, it wasn't as</p> <p>19 if he were hanging from the ceiling, you know. He</p> <p>20 was sitting in the floor. So I -- you know, if I had</p> <p>21 been there I don't know if I would have noticed that</p> <p>22 he had done choked himself to death. I don't know.</p> <p>23 I don't know.</p> <p>24 Q. And you've never seen the video so you</p> <p>25 can't opine on that, can you?</p>
<p style="text-align: right;">Page 42</p> <p>1 So I don't know. I wasn't there and I don't know --</p> <p>2 I don't know what that jailer was doing and I'm sure</p> <p>3 the dispatcher was dispatching and I don't know. You</p> <p>4 know, I'm not sure. But I don't have anybody that</p> <p>5 can watch that monitor 24 hours.</p> <p>6 Q. Who was the jailer that was charged with</p> <p>7 the responsibility of being at the jailer's desk and</p> <p>8 monitoring that day?</p> <p>9 A. Johnny Stanton was there I think that day.</p> <p>10 Q. Have you, as chief law enforcement agent</p> <p>11 for the county, gone to him and asked him, "Johnny,</p> <p>12 what happened?"</p> <p>13 MR. HILL: Object to the form. Asked</p> <p>14 and answered. You can answer again.</p> <p>15 A. Yes, I've talked to him about it.</p> <p>16 Q. (Mr. Stroud) What did he say?</p> <p>17 A. And he said he don't know. He was in and</p> <p>18 out of that dispatch -- out of the jailer's office at</p> <p>19 that time. But I don't really know what -- you know,</p> <p>20 I -- that's what I say. I can't answer for him</p> <p>21 because I don't know. I just don't know.</p> <p>22 Q. Can we agree that the entire time Mr. Sons</p> <p>23 was in that juvenile cell that it was on video?</p> <p>24 A. Yes.</p> <p>25 Q. And it was working?</p>	<p style="text-align: right;">Page 44</p> <p>1 A. No.</p> <p>2 Q. Now, let me shift your attention to when</p> <p>3 Mr. Sons arrived at Benton County jail. Do you know</p> <p>4 why he came to the jail?</p> <p>5 A. I didn't at that time, no. I wasn't there.</p> <p>6 Q. At what time?</p> <p>7 A. When he was brought in. I don't know.</p> <p>8 Q. As we sit here today do you know why he had</p> <p>9 been brought to the jail?</p> <p>10 A. Yes. I know now why he had been brought</p> <p>11 in.</p> <p>12 Q. Why?</p> <p>13 A. His father wanted him locked up.</p> <p>14 Q. Why did his father want him locked up?</p> <p>15 A. He was afraid of him. Now, this is what</p> <p>16 I -- now, I didn't talk to Mr. Sons beforehand. This</p> <p>17 is just what I -- I talked to him afterwards.</p> <p>18 Q. You never talked to Mr. Sons prior to his</p> <p>19 son killing himself?</p> <p>20 A. No.</p> <p>21 Q. Is it a fair statement to say, Sheriff</p> <p>22 McMullen, that prior to Mr. Sons committing suicide</p> <p>23 you had not heard about Mr. Sons or what Mr. Sons,</p> <p>24 the father, had said as to why he was committing his</p> <p>25 son to the jail?</p>

<p style="text-align: right;">Page 45</p> <p>1 A. I never talked to Mr. Sons until after it 2 was over with. That morning after it was over with I 3 came into the office as soon as I found it out and I 4 met with Mr. Sons and I think it was his wife I met 5 with up there in the office.</p> <p>6 Q. So the first time you even knew anything 7 about why Mr. Sons had brought in his son Jimmy and 8 committed him to the jail was after the suicide 9 occurred?</p> <p>10 A. Yes.</p> <p>11 Q. You're sure about that?</p> <p>12 A. I wasn't there that week. I know I didn't 13 see him.</p> <p>14 Q. I'm not asking whether you saw him. I'm 15 asking you whether you knew anything about why he 16 committed him to the Benton County jail prior to 17 committing suicide?</p> <p>18 A. Not that I know of. Unh-unh (Indicating 19 no). I talked with Mr. Sons and all of this come up 20 afterwards.</p> <p>21 Q. So is it a fair statement to say that prior 22 to -- do I understand your testimony correctly that 23 prior to Mr. Sons committing suicide you didn't have 24 any reason to believe that Sons was a suicide risk?</p> <p>25 A. Unh-unh (Indicating no).</p>	<p style="text-align: right;">Page 47</p> <p>1 someone is sitting watching a monitor all day, 2 correct?</p> <p>3 A. Yes. That's right.</p> <p>4 Q. I think the words you used were, with 5 regard to the dispatcher, that she's to watch the 6 monitor as much as she can.</p> <p>7 A. The dispatchers, you know, they've got it 8 to where they can see it. Yeah.</p> <p>9 Q. And as much as she can by doing her other 10 jobs, I think that's what you told me, correct?</p> <p>11 A. Well, you know, they don't sit there just 12 glued to it but they watch it. Yeah.</p> <p>13 Q. How does your policy or procedure change 14 within the jail or your expectations of your 15 employees change within the jail from the task of 16 watching it as much as you can among your other job 17 duties to something more definitive when you have a 18 known suicide risk within the jail?</p> <p>19 A. A known suicide risk?</p> <p>20 Q. How does it change? What do the policies 21 require?</p> <p>22 A. I don't understand a known suicide risk. I 23 don't -- I'm not --</p> <p>24 Q. Did you consider this Mr. Sons to be a 25 known risk of suicide?</p>
<p style="text-align: right;">Page 46</p> <p>1 Q. Is it also a fair statement or do I 2 understand you correctly that prior to Mr. Sons 3 committing suicide you had never heard of him doing 4 anything that would lead you to believe that he was a 5 suicide risk?</p> <p>6 A. I never met Mr. Sons.</p> <p>7 Q. I'm not asking whether you met him. I'm 8 asking whether you heard of anything prior to Sons 9 committing suicide that would lead you to believe 10 that he was a suicide risk?</p> <p>11 A. No.</p> <p>12 Q. Do you recall being contacted by the -- 13 strike that.</p> <p>14 MR. STROUD: Let's take a quick break.</p> <p>15 THE VIDEOGRAPHER: We're off the 16 record at 11:13.</p> <p>17 (Recess.)</p> <p>18 THE VIDEOGRAPHER: Back on record at 19 11:19.</p> <p>20 Q. (Mr. Stroud) Okay. I want to go back, if 21 I could, Sheriff, to the discussion we were having 22 about the dispatcher and jailer's obligation to watch 23 the video monitors. We talked about that briefly. I 24 believe what you were telling me was that you don't 25 have the budget or the manpower to ensure that</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Well, I guess you'd say that, but I had no 2 reason to -- he had not shown me anything to suspect 3 suicide.</p> <p>4 Q. You had never seen him.</p> <p>5 A. I had never seen him. But, you know, as 6 far as I know he hadn't attempted a suicide or 7 anything.</p> <p>8 Q. Okay. Did you change any of your policies 9 and procedures from watching the monitor as much as 10 you can to putting a specific watch on him at any 11 time during his stay?</p> <p>12 A. No. The only thing that we have changed is 13 that we took the bed down in the cell and I put a 14 board by the door for them to sign if they've got a 15 suicide risk in it or, you know, they sign that 16 board. I want them to sign it and time it and date 17 it every 15 minutes since then.</p> <p>18 Q. I'm not talking about after he committed 19 suicide, I'm talking about before. Did you make any 20 changes to your policy as it relates to Mr. Sons with 21 regard to monitoring him as a known suicide risk?</p> <p>22 A. No.</p> <p>23 Q. If you have someone in your jail that is a 24 known suicide risk, and I understand you're telling 25 me that you didn't know, right?</p>

<p style="text-align: center;">Page 49</p> <p>1 A. Yes.</p> <p>2 Q. But if you have someone in your jail that</p> <p>3 is a known suicide risk, what definitive changes do</p> <p>4 you make to the policy that's in place now for a</p> <p>5 dispatcher to watch the monitor as much as she can to</p> <p>6 watching it more closely?</p> <p>7 A. There's not any. What I mean, I'm doing</p> <p>8 the best I can do, you know. I don't have any way of</p> <p>9 changing it.</p> <p>10 Q. So Mr. Sons was monitored the same way</p> <p>11 every other inmate is monitored?</p> <p>12 MR. HILL: Object to the form of the</p> <p>13 question. Assumes facts not in evidence. You can</p> <p>14 answer.</p> <p>15 A. He was monitored more closely because of</p> <p>16 where he was at, Mr. Sons would have been.</p> <p>17 Q. (Mr. Stroud) But you could have easily --</p> <p>18 suicide risk inmates aren't the only ones that go in</p> <p>19 the J cell, are they?</p> <p>20 A. If we got one, that's the only place he</p> <p>21 goes, you know, is right there. The others don't go</p> <p>22 in there. Now, if we're not full -- you know, if</p> <p>23 we're full and we don't have a suicide or a mental</p> <p>24 case, then we use that cell for others.</p> <p>25 Q. Is that why Mr. Sons was put in there?</p>	<p style="text-align: center;">Page 51</p> <p>1 MR. STROUD: He can answer. You don't</p> <p>2 need to tell him how to testify.</p> <p>3 MR. HILL: I'm not.</p> <p>4 MR. STROUD: He can answer. He's a</p> <p>5 big boy.</p> <p>6 MR. HILL: You're repeatedly asking</p> <p>7 the same question. You can answer again.</p> <p>8 A. All right. Monitored --</p> <p>9 Q. (Mr. Stroud) Was he monitored the same way</p> <p>10 everybody else was monitored that day by the</p> <p>11 dispatcher and by Mr. Stanton?</p> <p>12 MR. HILL: Same objection.</p> <p>13 A. We watch that cell. What I mean, he --</p> <p>14 like I say, I don't have anybody to sit and watch</p> <p>15 that monitor 24 hours. I don't have that. And the</p> <p>16 jailer monitors that cell. If we've got a mental</p> <p>17 case in it then we monitor it, you know, we watch it</p> <p>18 as much as possible.</p> <p>19 Q. (Mr. Stroud) Okay. So it doesn't</p> <p>20 necessarily change from the way it's done before if</p> <p>21 you have a mental commitment in there, you just watch</p> <p>22 it as much as possible, right?</p> <p>23 A. Yeah.</p> <p>24 Q. There's no policy or procedure that you're</p> <p>25 aware of that creates a heightened monitoring of</p>
<p style="text-align: center;">Page 50</p> <p>1 A. He asked to be put in there from what I</p> <p>2 understand.</p> <p>3 Q. Did you understand that Mr. Sons was ever</p> <p>4 placed in the J cell because he was a known suicide</p> <p>5 risk?</p> <p>6 A. I just heard that he asked -- he asked to</p> <p>7 be put in by himself.</p> <p>8 Q. As far as you know he wasn't a known</p> <p>9 suicide risk, right?</p> <p>10 A. At that time, no, I didn't know.</p> <p>11 Q. Where did you get the understanding that</p> <p>12 Sons asked to be moved to the J cell?</p> <p>13 A. From the jailers.</p> <p>14 Q. Mr. Batts told you that?</p> <p>15 A. From Mr. Batts and the jailers. I found</p> <p>16 out that day that he had asked, that's where he</p> <p>17 wanted to be was by himself.</p> <p>18 Q. So is it a fair statement to say that for</p> <p>19 Mr. Sons' case in particular, since you didn't know</p> <p>20 him to be a suicide risk at all prior to him</p> <p>21 committing suicide, that as far as your policy and</p> <p>22 procedure for monitoring him he would have been</p> <p>23 monitored as much as anybody else in that jail?</p> <p>24 MR. HILL: Object to the form. Asked</p> <p>25 and answered. He testified the exact opposite.</p>	<p style="text-align: center;">Page 52</p> <p>1 someone who's in a mental condition?</p> <p>2 A. No.</p> <p>3 MR. HILL: Object to the form of the</p> <p>4 question.</p> <p>5 Q. (Mr. Stroud) So if a mentally ill</p> <p>6 individual or someone who's there on a mental</p> <p>7 commitment that's in custody waiting to be</p> <p>8 transferred to a mental facility asked to be placed</p> <p>9 somewhere where he or she could be alone, does that</p> <p>10 raise any red flags at Benton County Sheriff's</p> <p>11 Department jail?</p> <p>12 A. We put -- all of our mental cases we pretty</p> <p>13 well isolate them on it.</p> <p>14 Q. You isolate them and you monitor them as</p> <p>15 much as you can?</p> <p>16 A. Yeah.</p> <p>17 Q. When was the first time you had a chance to</p> <p>18 review Mr. Sons', no better way of saying it, jail</p> <p>19 paperwork, the Writ, the intake form, things like</p> <p>20 that?</p> <p>21 A. Are you into his jailing sheets and all?</p> <p>22 Q. Yes.</p> <p>23 A. I looked at them the other day in here.</p> <p>24 That's all I did.</p> <p>25 Q. So you hadn't seen them at all --</p>

Page 53	Page 55
<p>1 A. No.</p> <p>2 Q. -- until a couple of days before this</p> <p>3 deposition?</p> <p>4 A. No.</p> <p>5 Q. Okay. Now, I know you say you had no idea</p> <p>6 that he was a risk for suicide prior to his suicide,</p> <p>7 right?</p> <p>8 A. Right.</p> <p>9 Q. Based upon your review of the documents, do</p> <p>10 you see now that he was a suicide risk?</p> <p>11 A. I do now, yeah.</p> <p>12 Q. And these documents would have been</p> <p>13 available to all your jailers, right?</p> <p>14 MR. HILL: Object to the form.</p> <p>15 A. They would have been there. I'd say they</p> <p>16 would have been. We -- on a mental case we get some</p> <p>17 papers that day that they're admitted and then some</p> <p>18 papers we don't get for another day or so from the</p> <p>19 courthouse. Now, I haven't been through it, but, you</p> <p>20 know, I don't know what dates he was brought in. I</p> <p>21 don't know.</p> <p>22 Q. (Mr. Stroud) All the paperwork for a Writ</p> <p>23 to Take Custody for a mental commitment that's coming</p> <p>24 to your jail, you have access to those documents, do</p> <p>25 you not?</p>	<p>1 me, that his dad was afraid of him and he was afraid</p> <p>2 he was going to hurt himself or hurt somebody. He</p> <p>3 was more afraid he was going to hurt someone than he</p> <p>4 was himself, I think. He was scared to go home.</p> <p>5 Q. And as your chief deputy in the Benton</p> <p>6 County jail, what would your policies and procedures</p> <p>7 require of Mr. Batts if he learned that someone was</p> <p>8 coming to your jail as a mental commitment that was a</p> <p>9 suicide risk?</p> <p>10 A. Any mental commitment is a suicide risk.</p> <p>11 Q. What policies and procedures or mandates</p> <p>12 from you as sheriff, the chief law enforcement for</p> <p>13 the county, would you put on Chief Deputy Batts if he</p> <p>14 had that heightened information about Mr. Sons prior</p> <p>15 to committing suicide?</p> <p>16 A. Okay. You're leaving me again. What</p> <p>17 policy would I put on Mr. Batts?</p> <p>18 Q. Yeah. What would you require of Mr. Batts</p> <p>19 based on your policies and procedures?</p> <p>20 A. To follow the policies and procedures we</p> <p>21 have in place.</p> <p>22 Q. Specifically, what would you require of him</p> <p>23 if he knew, he was on scene and he knew that somebody</p> <p>24 was coming to your jail as a mental commitment and</p> <p>25 was a suicide risk, what would you require of him?</p>
Page 54	Page 56
<p>1 MR. HILL: Object to the form.</p> <p>2 A. Yeah. Just like in this case the boy's dad</p> <p>3 signed the papers to have him picked up and</p> <p>4 committed, then we have to get the papers from the</p> <p>5 courthouse, you know, to do it and we go get them.</p> <p>6 Q. (Mr. Stroud) Do you know whether the jail</p> <p>7 had any of the paperwork prior to him committing</p> <p>8 suicide?</p> <p>9 A. I don't know.</p> <p>10 Q. In your conversations with Mr. Batts or any</p> <p>11 of your other jailers, do you understand that your</p> <p>12 jailers or administrative staff or anyone else that</p> <p>13 worked for you in that jail had knowledge that Mr.</p> <p>14 Sons was a suicide risk?</p> <p>15 A. I don't know. I wasn't there. That's what</p> <p>16 I'm saying.</p> <p>17 Q. I understand. But in your conversation</p> <p>18 with them have you learned that they were aware that</p> <p>19 he was a suicide risk before he killed himself?</p> <p>20 A. Well, I talked with Deputy Batts, yeah,</p> <p>21 then I talked to his dad afterwards.</p> <p>22 Q. Mr. Batts, when you talked to him, did he</p> <p>23 tell you that he was aware that he was a suicide risk</p> <p>24 before he killed himself?</p> <p>25 A. He just told me the same thing his dad told</p>	<p>1 A. The same as this. Our policies, I expect</p> <p>2 him to go by policies.</p> <p>3 Q. What policies would you expect him to</p> <p>4 follow?</p> <p>5 A. What we wrote up right here.</p> <p>6 Q. In your own words, tell me what you would</p> <p>7 have expected him to do.</p> <p>8 A. I don't know. I still don't understand.</p> <p>9 You're leaving me as far as expecting him to do. I</p> <p>10 expect him to do his job.</p> <p>11 Q. Would you have expected Chief Batts,</p> <p>12 knowing what he knew about Mr. Sons' suicide risk</p> <p>13 before he killed himself, would you have expected him</p> <p>14 to do and the jailers to do everything they did in</p> <p>15 this case?</p> <p>16 MR. HILL: Object to the form. We're</p> <p>17 assuming what Joe knew or did not know. But you can</p> <p>18 answer to the effect you know. Go ahead.</p> <p>19 Q. (Mr. Stroud) Did they do everything like</p> <p>20 you would have expected them to do?</p> <p>21 A. Yeah.</p> <p>22 Q. You wouldn't have asked them to change</p> <p>23 anything?</p> <p>24 A. I don't know what they could have changed.</p> <p>25 Q. Based on your understand of the policies</p>

<p style="text-align: right;">Page 57</p> <p>1 and procedures, they followed them?</p> <p>2 A. Yes.</p> <p>3 Q. So what happened?</p> <p>4 MR. HILL: Object to the form of the</p> <p>5 question.</p> <p>6 A. So what happened?</p> <p>7 Q. (Mr. Stroud) If policies and procedures</p> <p>8 were followed --</p> <p>9 A. Uh-huh (Indicating yes).</p> <p>10 Q. -- how did Mr. Sons fall through the</p> <p>11 cracks?</p> <p>12 A. I don't know.</p> <p>13 Q. To the best of your knowledge, in your</p> <p>14 conversation with Mr. Batts or anyone else at the</p> <p>15 jail, was Mr. Sons ever officially placed on any form</p> <p>16 of suicide watch or prevention?</p> <p>17 A. Well, he was placed -- he was treated like</p> <p>18 all other mental cases that we bring in. What I</p> <p>19 mean, he was placed in that cell and he was watched.</p> <p>20 And like I told you, I can't watch it 24 hours. You</p> <p>21 know, I just don't have the manpower to do it.</p> <p>22 Q. How often would you expect or do you</p> <p>23 require that your jailer or dispatcher watch a mental</p> <p>24 commitment?</p> <p>25 A. It's not required. You know, I expect them</p>	<p style="text-align: right;">Page 59</p> <p>1 A. I don't know what time. I know I just left</p> <p>2 there as soon as I got unloaded, I left there and</p> <p>3 come right on in.</p> <p>4 Q. When you arrived was MBI already there?</p> <p>5 A. I believe they were already here. I'm not</p> <p>6 sure. I believe they were but I'm not sure.</p> <p>7 Q. Was Mr. Sons, had he been moved at that</p> <p>8 point?</p> <p>9 A. He was still there.</p> <p>10 Q. Tell me what you did, if anything, when you</p> <p>11 arrived?</p> <p>12 A. I didn't. I just looked and that was it.</p> <p>13 And then when I turned it -- that's what I say, we</p> <p>14 turned it over to MBI and that way, you know, it's --</p> <p>15 Q. Who else was there with you? Was Mr. Batts</p> <p>16 there?</p> <p>17 A. I don't remember if Joe was there or not.</p> <p>18 I don't know. I don't remember.</p> <p>19 Q. Do you remember who else was there, if</p> <p>20 anybody?</p> <p>21 A. No. I can't remember who all.</p> <p>22 Q. When is the first time you spoke to Mr.</p> <p>23 Sons after his son's death?</p> <p>24 A. Just immediately after then. They were</p> <p>25 here. They were there. They had been notified and</p>
<p style="text-align: right;">Page 58</p> <p>1 to watch it as much as possible, but they just can't</p> <p>2 watch it all the time.</p> <p>3 Q. Sheriff, do you believe that the policies</p> <p>4 and procedures that you've been talking about and</p> <p>5 we've identified as Exhibit 1 are adequate to protect</p> <p>6 detainees within your jail from suicide risk?</p> <p>7 A. Yes.</p> <p>8 Q. Tell me when you were first notified.</p> <p>9 A. It was on a Saturday morning and I was in</p> <p>10 Memphis unloading a load of grain. I was off that</p> <p>11 week helping these farmers haul grain and that's</p> <p>12 where I was at.</p> <p>13 Q. Who contacted you?</p> <p>14 A. Missy Campbell.</p> <p>15 Q. And tell me about that conversation.</p> <p>16 A. She just told me that we had an inmate that</p> <p>17 had hung himself.</p> <p>18 Q. Did she tell you who it was?</p> <p>19 A. Yes. She told me it was a Mr. Sons.</p> <p>20 Q. What response, if any, did you give her?</p> <p>21 A. I told her I'd be there as soon as I could</p> <p>22 get there.</p> <p>23 Q. Did it come as a surprise to you?</p> <p>24 A. Yes.</p> <p>25 Q. When did you arrive at the jail?</p>	<p style="text-align: right;">Page 60</p> <p>1 they were there.</p> <p>2 Q. Tell me about that meeting.</p> <p>3 A. I just introduced myself, told them who I</p> <p>4 was and, you know, we talked there for a little</p> <p>5 while. It was him and his wife, and I don't remember</p> <p>6 if there was anyone else with him or not that day.</p> <p>7 But, you know, we just talked and -- you know, that's</p> <p>8 when he told me about his son being, you know, being</p> <p>9 sick and he said his wife was afraid to come home</p> <p>10 because his son was there and she was living in</p> <p>11 Tupelo or somewhere and she wouldn't want to come</p> <p>12 home because he was there. And he told me all that</p> <p>13 there that day. But other than that, just general</p> <p>14 conversation, you know, just talked.</p> <p>15 Q. Was he cordial? Was he cordial to you?</p> <p>16 A. Yeah. Uh-huh (Indicating yes).</p> <p>17 Q. He wasn't disrespectful?</p> <p>18 A. Oh, no. No, he wasn't.</p> <p>19 Q. Anything else you remember y'all talked</p> <p>20 about that day?</p> <p>21 A. No, not really.</p> <p>22 Q. Do you recall telling him that the jail had</p> <p>23 been sued before by somebody who had committed</p> <p>24 suicide?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 61</p> <p>1 Q. You don't recall that conversation?</p> <p>2 A. I don't remember it. I may have. I don't</p> <p>3 remember it.</p> <p>4 Q. Have we talked about everything that you</p> <p>5 personally did or you asked to be done as far as</p> <p>6 investigation?</p> <p>7 A. Well, you know, I'm sure I told him what we</p> <p>8 were doing as far as the investigation. I know I</p> <p>9 would have told him that.</p> <p>10 Q. Have you and I today talked about</p> <p>11 everything that you either did personally to</p> <p>12 investigate this incident or had your staff or</p> <p>13 jailers do?</p> <p>14 A. Yes.</p> <p>15 Q. As I understand it, pretty much you left</p> <p>16 everything up to the MBI?</p> <p>17 A. Yeah.</p> <p>18 Q. Other than removing the bunk, the top bunk</p> <p>19 that was used by Mr. Sons to hang himself, has the</p> <p>20 jail or sheriff's department made any changes to the</p> <p>21 inside of the jail?</p> <p>22 A. No.</p> <p>23 Q. How about to policy or procedure as it</p> <p>24 relates to dealing with someone who has suicidal</p> <p>25 tendencies or that?</p>	<p style="text-align: right;">Page 63</p> <p>1 A. Well, I'm not saying that as much as, you</p> <p>2 know, what I am saying that if he's going to do it</p> <p>3 they're going to do it, you know. If I had of had a</p> <p>4 man sitting there watching that monitor and seen just</p> <p>5 exactly what was going on, every minute of it, yeah,</p> <p>6 it could have been prevented.</p> <p>7 Q. What do you require of your jailers as it</p> <p>8 relates to routine checks on inmates?</p> <p>9 A. Well, they watch the monitors. And then if</p> <p>10 the inmates need anything back there they'll bump the</p> <p>11 door or something and the jailer will check on them,</p> <p>12 you know, at that time.</p> <p>13 Q. Do you have any policy or procedure that</p> <p>14 sets forth, or any mandate from you to your jailers</p> <p>15 that sets forth how often they should be doing</p> <p>16 physical checks of the cells?</p> <p>17 MR. HILL: Are you talking about</p> <p>18 suicide or just anybody?</p> <p>19 MR. STROUD: Well, let's start with --</p> <p>20 let's start with suicides, suicide risk patients or</p> <p>21 inmates.</p> <p>22 Q. (Mr. Stroud) Let me re-ask the question.</p> <p>23 For suicide, people with suicide risks, okay, people</p> <p>24 that are there on mental commitments or people that</p> <p>25 are there that have a known suicide risk, do you</p>
<p style="text-align: right;">Page 62</p> <p>1 A. No, not that I'm aware of.</p> <p>2 Q. So as we sit here today, the policies are</p> <p>3 just the same as they are in there before you?</p> <p>4 A. Yes.</p> <p>5 Q. Do you think that any changes should be</p> <p>6 made as a result of the things you learn from suicide</p> <p>7 cases like this?</p> <p>8 A. You could write up the biggest policy in</p> <p>9 the world and you couldn't prevent it. There's no</p> <p>10 way. God knows, you know, it hurts us. But we --</p> <p>11 you know, you just -- you just -- you know yourself</p> <p>12 there ain't no way to prevent it. If they're going</p> <p>13 to do it they're going to do it. And just like in</p> <p>14 this case, you know, I didn't think there was no way</p> <p>15 to hang himself off a top bunk in that jail that's</p> <p>16 four foot tall -- four foot off the ground and him</p> <p>17 a -- I don't know what size he was, but I'm sure he</p> <p>18 was 5'9" or a six-foot fellow. I don't know. You</p> <p>19 know, you just can't prevent all of it. And I wish</p> <p>20 we could. But a policy, that policy, you know, we go</p> <p>21 by it. But I don't know of anything that I could</p> <p>22 change that would help it any.</p> <p>23 Q. So you brought up the word you can't</p> <p>24 prevent it. Is it your opinion that this suicide was</p> <p>25 unpreventable?</p>	<p style="text-align: right;">Page 64</p> <p>1 require that your jail do physical checks, not just</p> <p>2 look at the monitor, but do physical checks?</p> <p>3 A. Yes.</p> <p>4 Q. What do you require?</p> <p>5 A. Well, like on an attempted suicide, if we</p> <p>6 know they're suicidal, what I mean, attempted suicide</p> <p>7 or anything, then they're required to sign that</p> <p>8 sheet, to look in that door and sign that sheet.</p> <p>9 I've got a sheet up there they sign every 15 minutes,</p> <p>10 you know, and date it, time it and all.</p> <p>11 Q. As I understand it reading the policy, you</p> <p>12 correct me if I'm wrong, that's only for people who</p> <p>13 have actually attempted suicide within the jail,</p> <p>14 correct?</p> <p>15 A. Well, you know, yes, something, suspected</p> <p>16 suicide, attempted suicide, you know, along that case</p> <p>17 then they're supposed to do that.</p> <p>18 Q. So if someone actually attempts to commit</p> <p>19 suicide and they're stopped by a jailer, then they go</p> <p>20 on to suicide watch, right?</p> <p>21 A. Yeah.</p> <p>22 Q. And that requires 15-minute physical</p> <p>23 checks, right?</p> <p>24 A. Yeah.</p> <p>25 Q. But if someone comes into the jail on a</p>

<p style="text-align: right;">Page 65</p> <p>1 mental commitment, then they're not necessarily on 2 suicide watch like that, are they? 3 A. Not necessarily. 4 Q. Okay. And if somebody comes into the jail 5 on a mental commitment and they have had suicidal 6 tendencies in the past, they're not necessarily on 7 that suicide watch we recommended? 8 A. No. 9 Q. It actually takes having them attempt 10 suicide within the jail to get on that, right? 11 A. Well, yeah. 12 Q. You mentioned that jailers will sometimes 13 go to check on them when they're either -- 14 A. Yeah. 15 Q. -- beating on the door or knocking on the 16 door? 17 A. Yeah. 18 Q. Is that -- is that something that is 19 discouraged, for inmates to knock on the door? 20 A. No. 21 Q. If an inmates needs something you expect 22 them to let you know, right? 23 A. Yeah. 24 Q. When you heard that Mr. Sons had hung 25 himself in the jail and it had not been seen by</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Did y'all discuss this at all? 2 A. I don't remember. I was coming out of the 3 store and he was going in or he was coming out and I 4 was going in and I just spoke with him just for a -- 5 MR. STROUD: Let's mark this as 6 Exhibit 2. 7 (Exhibit No. 2 -- Letter from Philip 8 Stroud to A. A. McMullen, dated 9-22-15 -- marked and 9 may be found attached to the transcript.) 10 Q. (Mr. Stroud) I show you what I've marked 11 as Exhibit 2. Do you see that? 12 A. Yeah, I've seen it. 13 Q. What are you holding? What is that? 14 A. It's just where you wrote us that you were 15 going to represent Mr. Sons. 16 Q. Did you receive that letter on or about 17 September 22nd, 2015? 18 A. I don't know. 19 Q. Do you ever recall receiving that letter 20 several days after this suicide? 21 A. I'm not sure if I remember it or not. I 22 don't know. 23 Q. Is the fax number to the jail 662-224-6307? 24 A. Yes, sir. 25 Q. When is the first time you recall actually</p>
<p style="text-align: right;">Page 66</p> <p>1 Mr. Stanton or by the dispatcher -- in fact, do you 2 know that as we sit here today, Sheriff, that he had 3 been -- he had hung himself and been in that 4 condition for almost an hour before he was 5 discovered? 6 A. I didn't know it. I know now but I didn't 7 at that time. 8 Q. You've learned that since then, right? 9 A. Yes. 10 Q. Knowing the fact that a mental commitment 11 inmate is there and that there's an opportunity to 12 monitor his actions live by either the dispatcher or 13 the jailer, does it outrage you at all that someone 14 could hang themselves in the cell under that 15 supervision and be that way for almost an hour? 16 MR. HILL: Object to the form of the 17 question. Argumentative. You can answer. 18 A. Yes, it does to a -- you know, it -- 19 Q. (Mr. Stroud) Any other conversations you 20 had with the family other than that initial one where 21 they came to the jail and learned that their son had 22 died? 23 A. No. I seen Mr. Sons one time shortly after 24 then at the store and spoke to him briefly, but 25 that's all.</p>	<p style="text-align: right;">Page 68</p> <p>1 seeing this letter? 2 A. I don't know. This is not one that I got 3 when I got served with all these papers. 4 Q. This would have been on September 22nd, 5 2015. If you remember, fine. If you don't, fine. 6 A. I don't remember. 7 Q. Have you since read this letter? 8 A. I just read over what we got when we got 9 the papers that this lawsuit had been filed. 10 Q. I'm going to represent to you this letter, 11 and it speaks for itself, but this letter asks you to 12 preserve all video -- 13 A. Yeah. 14 Q. -- within the jail. And I think you've 15 already told me you didn't take steps to preserve any 16 video unless the MBI requested it, right? 17 A. They're the ones that took the case, yeah, 18 they took it for me. I'm sure they got all the video 19 of that. 20 Q. You didn't -- again, you didn't 21 specifically instruct anyone to preserve video? 22 A. No. 23 Q. So what video they did preserve and what 24 video they taped over or erased you have no idea? 25 A. No.</p>

<p>1 Q. Okay. And you said you had never seen any 2 video of Mr. Sons actually hanging himself. But have 3 you seen any other video for September 18th or 19th 4 within the jail?</p> <p>5 A. No.</p> <p>6 Q. Okay. Who's the person that is in charge 7 of downloading video and preserving it or burning it 8 onto a disc?</p> <p>9 A. I don't know if we do that or not. I don't 10 know.</p> <p>11 Q. Who would know within your department?</p> <p>12 A. Deputy Batts would know.</p> <p>13 MR. STROUD: All right. Let's go off 14 the record real quick.</p> <p>15 THE VIDEOGRAPHER: We're off the 16 record at 11:50.</p> <p>17 (Pause in proceedings.)</p> <p>18 THE VIDEOGRAPHER: We're back on 19 record at 11:51.</p> <p>20 MR. STROUD: No further questions.</p> <p>21 EXAMINATION</p> <p>22 BY MR. HILL:</p> <p>23 Q. Arnie, I just have a few questions. Is it 24 the policy at the Benton County jail for all mental 25 commitment inmates to be continuously monitored on</p>	<p>1 concludes the videotaped testimony of Sheriff Arnie 2 McMullen. We're off the record at 11:52, one DVD.</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 70</p>	<p>Page 72</p>

Page 73

1 IN THE UNITED STATES DISTRICT COURT FOR THE
 2 NORTHERN DISTRICT OF MISSISSIPPI
 3 OXFORD DIVISION
 4 JAMES LEE SONS, individually and
 on behalf of the wrongful death
 beneficiaries of JAMES ALLEN
 PARKS SONS, deceased PLAINTIFFS
 5
 VS. NO. 3:16-CV-181-MPM-RP
 6
 BENTON COUNTY, MISSISSIPPI, ET AL DEFENDANTS

7
 8 CERTIFICATE
 9 I, A. A. "ARNIE" McMULLEN, have read the
 10 foregoing pages, 1-70, of the transcript of my
 11 deposition given on December 7, 2016, and it is true,
 12 correct and complete to the best of my knowledge,
 13 recollection and belief except for the list of
 14 corrections, if any, attached on a separate sheet
 15 herewith. Witness my hand, this the _____ day
 16 of _____, 2016.

17
 18 A. A. "ARNIE" McMULLEN
 19 CERTIFICATE
 20 Subscribed and sworn to before me, this the
 21 _____ day of _____,
 22 2016.

23 Notary Public in and for the
 County of _____
 24 My Commission State of Mississippi
 Expires: _____
 25

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1 ADVANCED COURT REPORTING
 2 P.O. BOX 761
 3 TUPELO, MISSISSIPPI 38802-0761
 4
 5 CORRECTION LIST
 6
 7 JAMES LEE SONS, individually and
 on behalf of the wrongful death
 beneficiaries of JAMES ALLEN
 8 PARKS SONS, deceased PLAINTIFFS
 VS.
 BENTON COUNTY, MISSISSIPPI, ET AL DEFENDANTS
 Federal - No. 3:16-CV-181-MPM-RP

9 CAPTION
 10 DECEMBER 7, 2016 A. A. "ARNIE" McMULLEN

11 DATE OF DEPOSITION DEPONENT'S NAME
 12 PAGE LINE CORRECTION REASON
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25 A. A. "ARNIE" McMULLEN